

REMARKS:

Claims 1-24 are pending. Claims 1, 3, 8, 15 and 21 are amended. Applicants respectfully request entry of the above amendments and consideration of the following remarks.

Claims 3, 8, and 21 are amended to correct minor typographical errors.

Drawing Objections

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(4). With regard to the Examiner's objection relating to reference characters 28 and 78 both being used to designate "bumpers", Applicants respectfully point out that reference numeral 28 designates "side barriers" (see ¶ 0027) while reference numeral 78 designates "bumpers" (see ¶ 0030). Withdrawal of the drawing objection is requested.

35 U.S.C. §112 Rejections

Claims 1 and 11 stand rejected under 35 U.S.C. §112, second paragraph. The Examiner suggests that the claims are unclear and indefinite regarding how the motive source is capable of continuing movement of the arm regardless of the current path state once movement is initiated "because the destruction of the current path during movement would prevent movement of the arm."

Support for the allegedly indefinite portion of claim 1 can be found throughout the specification (see, for example, ¶ 0037), which explains at least one manner by which the motive source is capable of continuing movement of the arm regardless of the current path state once movement is initiated.

The allegedly indefinite portion of claim 11 is similar to claim 1, and is neither unclear nor indefinite for similar reasons.

Applicants therefore respectfully request withdrawal of the claim rejections under 35 U.S.C. §112, second paragraph.

35 U.S.C. §102 Rejections

Claims 1, 7, 9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tremblay (U.S. Patent No. 5,373,915).

Claim 1 recites, among other things:

a buckle releasably engagable with [a] belt and coupled to [a] passenger support... the buckle having a current path coupled to [an] electrical system, the current path having an open state and a closed state defined in part upon the releasable engagement between the buckle and the belt, the current path closed upon engagement between the buckle and the belt; and

a motive source coupled to the electrical system and operable to move [an] arm, the motive source incapable of initiating movement of the arm when the current path is open and capable of initiating movement when the current path is closed, the motive source capable of continuing movement of the arm regardless of the current path state once movement is initiated.

Tremblay teaches a passenger lift with an electric safety interlock to prevent all movement of the lift until a restraining belt is fastened (see Abstract and col. 2, lines 49-51). Fig. 2 of Tremblay illustrates the safety interlock, which includes handrails 60, 62. A buckle 64 is connected to the end of the handrail 60, and a flexible strap 68 is coupled to the other handrail 62. The flexible strap 68 terminates in a tab 70 which matingly interlocks with the buckle 64 (col. 4 line 65 through col. 5 line 14). Tremblay also teaches that:

A normally open electrical switch 73 is located inside the buckle 64. When the tab 70 is inserted in the buckle 64, an electrical circuit is completed through the switch 73. The circuit is designed so that the main control power of the lift passes through the switch. In this way, all lift functions are disabled when the restraint belt is not fastened (col. 5 lines 39-45).

* * * * *

[T]he "up" circuit only can be completed and the platform raised when the buckle and tab are interlocked (col. 5, lines 68-69).

* * * * *

[T]he circuit can only be completed and the platform lowered when the normally open switch 98 is closed, i.e. when the buckle and tab are interlocked (col. 6, lines 9-12).

* * * * *

A normally open electric switch is located inside the buckle. The switch is operatively connected to the main control power circuit. When the switch is open, i.e. when the belt is not buckled, all lift functions are disabled (col. 6, lines 32-26). (emphasis added)

Each embodiment of the device of Tremblay operates in substantially the same way. When the safety interlock is not engaged (i.e. the buckle and tab are not interlocked or the belt is not buckled) all lift functions are disabled. Thus, regardless of whether the lift is moving or stationary, and regardless of where the lift is positioned within its range of motion, if the interlock is not engaged, the lift will not operate.

Tremblay does not teach or suggest, among other things, a motive source capable of continuing movement of an arm regardless of a current path state once movement is initiated. Tremblay teaches the precise opposite, specifically that if the belt is not buckled, all lift functions are disabled, regardless of whether the lift is moving or not.

Because Tremblay does not teach the subject matter of claim 1, claim 1 is allowable. Claims 7 and 9 depend from claim 1 and are therefore allowable for the same and other reasons as claim 1.

Claim 11 recites, among other things, “the electrically operated lift system capable of continuing movement regardless of the current path state once movement is initiated.” As discussed above with respect to claim 1, Tremblay does not teach or suggest, among other things, an electrically operated lift system capable of continuing movement regardless of the current path state once movement is initiated. Tremblay teaches the precise opposite, specifically that if the belt is not buckled, all lift functions are disabled, regardless of whether the lift is moving or not.

Because Tremblay does not teach the subject matter of claim 11, claim 11 is allowable. Claim 13 depends from claim 11 and is therefore allowable for the same and other reasons as claim 11.

35 U.S.C. §103 Rejections

There are four distinct claim rejections under 35 U.S.C. §103(a) in the present Office action. For the sake of clarity and conciseness, Applicants first address the third rejection, which pertains to independent claims 15 and 24.

Claims 8, 12, 15, 20-22, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tremblay.

Claims 8 and 12 depend from claims 1 and 11, respectively. Claims 1 and 11 are allowable for at least the reasons discussed above. Claims 8 and 12 are therefore allowable for the same and other reasons as claims 1 and 11, respectively.

Claim 15 recites, among other things:

[A] drive system incapable of initiating actuation when [a] switch is in [a] closed condition and [a] buckle and belt are in [a] disengaged state, the drive

system capable of initiating actuation when the switch is in the closed condition and the buckle and belt are in [an] engaged state, and the drive system capable of continuing actuation once begun when the switch is in the closed condition and the buckle and belt are in the disengaged state.

The teachings of Tremblay are discussed above with respect to claim 1. As conceded by the Examiner, “Tremblay is silent concerning the drive system capable of continuing actuation once begun when the switch is in the closed condition and the buckle and belt are in the disengaged state.” (Office Action, ¶ 42.)

The Examiner asserts, with no evidentiary support whatsoever, that it would have been obvious to one of ordinary skill in the art to provide a drive system capable of continuing actuation once begun when the switch is in the closed condition and the buckle and belt are in the disengaged state to the lift disclosed by Tremblay to prevent an abrupt stop during accidental release of the belt and buckle.

To properly support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
MPEP 2143

With regard to the first requirement, the Examiner appears to suggest that one of ordinary skill in the art would be motivated to modify the teachings of Tremblay in order “to prevent an abrupt stop during accidental release of the belt and buckle.” The Examiner has not pointed to any teaching or suggestion, either in the references or in the knowledge generally available to one of ordinary skill in the art, that the rate at which vehicular access systems stop moving must somehow be controlled to avoid an “abrupt stop” as the Examiner implies.

Furthermore, Tremblay explicitly teaches away from the modifications suggested by the Examiner. Tremblay states that “[t]he electric safety interlock prevents all movement of the lift, until the restraining belt is fastened.” (col. 1, lines 29-31 and col. 2 lines 47-51, emphasis added) Tremblay repeatedly states that “all” lift functions are disabled when the restraint belt is not fastened, and that movement is “only” possible when the buckle and tab of the restraint belt are interlocked. According to Tremblay, in order to be safe, if the restraint is not fastened, there can be no movement whatsoever of the lift. Tremblay therefore teaches away from the configuration

of claim 15 which is “capable of continuing actuation once begun when... the buckle and belt are in the disengaged state.”

Finally, as conceded by the Examiner, Tremblay does not teach or suggest all the claim limitations. As recited above, the MPEP requires that the prior art reference (or references when combined) must teach or suggest all the claim limitations. Because the Examiner has relied exclusively on Tremblay in rejecting claim 15, there is no other reference that can be relied upon to cure the conceded deficiencies of Tremblay. As such, this aspect of the *prima facie* case has not been met.

For these and other reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 15. Claim 15 is therefore allowable. Claims 20-22 depend from claim 15 and are therefore allowable for the same and other reasons.

Claim 24 recites, among other things, “the motive source capable of being continually operable as the platform is moving regardless of the seatbelt being fastened.” As discussed above with respect to claim 15, the Examiner has failed to establish a *prima facie* case of obviousness. The Examiner has not pointed to any teaching or suggestion, either in the references or in the knowledge generally available to one of ordinary skill in the art, that the rate at which vehicular access systems stop moving must somehow be controlled to avoid an “abrupt stop” as the Examiner implies. Furthermore, Tremblay explicitly teaches away from the modifications suggested by the Examiner. Finally, Tremblay does not teach or suggest all the claim limitations, and there is no other reference that can be relied upon to cure the conceded deficiencies of Tremblay.

For these and other reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 24. Claim 24 is therefore allowable.

Claims 2, 3, 5, 6, 16, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tremblay in view of Goodrich (U.S. Patent No. 5,261,779).

Claims 2, 3, 5 and 6 depend from claim 1. Claim 1 is allowable for at least the reasons discussed above. Claims 2, 3, 5 and 6 are therefore allowable for the same and other reasons as claim 1.

Claims 16, 18 and 19 depend from claim 15. Claim 15 is allowable for at least the reasons discussed above. Claims 16, 18 and 19 are therefore allowable for the same and other reasons as claim 15.

Claims 4 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tremblay in view of Dupuy et al. (U.S. Patent No. 6,238,169).

Claims 4 and 17 depend from claims 1 and 15, respectively. Claims 1 and 15 are independently allowable for at least the reasons discussed above. Claims 4 and 17 are therefore allowable for the same and other reasons as claims 1 and 15, respectively.

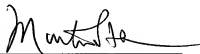
Claims 10, 14, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tremblay in view of Budd et al. (U.S. Patent No. 6,077,025).

Claims 10, 14 and 23 depend from claims 1, 11, and 15, respectively. Claims 1, 11 and 15 are independently allowable for at least the reasons discussed above. Claims 10, 14 and 23 are therefore allowable for the same and other reasons as claims 1, 11, and 15, respectively.

CONCLUSION:

In view of the foregoing, allowance of claims 1-24 is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin L. Stern", written over a horizontal line.

Martin L. Stern
Reg. No. 28,911

Michael Best & Friedrich LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
Chicago, Illinois 60601
(312) 222-0800